



February 13, 2009

SENATE BILL No. 576

DIGEST OF SB 576 (Updated February 10, 2009 4:02 pm - DI 106)

Citations Affected: IC 28-7.

Synopsis: Pawnbrokers. Requires a pawnbroker to return immediately a stolen item to an individual who alleges that the item was stolen from the individual if the individual: (1) presents the pawnbroker with a police report demonstrating that the item has been stolen; (2) presents the pawnbroker with a receipt that specifically identifies the stolen item by serial number; and (3) agrees to prosecute and appear as a witness against the person who pledged or sold the stolen item. Specifies that, if a pawnbroker returns a stolen item to an individual, the pawnbroker shall also allow the individual to inspect and copy the bill of sale signed by the seller of the stolen item. Provides that a pawnbroker who returns a stolen item to its owner has a cause of action against the person who sold or pledged the item. Makes conforming amendments.

Effective: July 1, 2009.

Taylor

January 20, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 12, 2009, amended, reported favorably — Do Pass.

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SB 576—LS 7442/DI 106+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 576

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 28-7-5-34 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 34. A pawnbroker shall
3 not be required to deliver a pledge except:

4 (1) upon surrender of the ticket, unless the ticket ~~be~~ **is** impounded
5 or its negotiation enjoined by a court; **or**

6 (2) **in accordance with section 40 of this chapter.**

7 SECTION 2. IC 28-7-5-39, AS AMENDED BY P.L.90-2008,
8 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2009]: Sec. 39. (a) **Except as provided in section 40 of this**
10 **chapter**, records and information generated by licensees in the course
11 of their business are confidential under IC 5-14-3-4.

12 (b) A law enforcement or prosecutorial official may obtain or
13 receive records and information described in subsection (a) relating to
14 pawnbroking transactions for use in the official law enforcement
15 purpose of investigating crime.

16 (c) Law enforcement officials may disclose the name and address of
17 the pawnbroker to an adverse claimant in the case of a dispute over

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ownership of property in possession of the pawnbroker.

(d) A person licensed or required to be licensed under this chapter is subject to IC 28-1-2-30.5 with respect to any records maintained by the person.

(e) The director may provide for the release of information under this chapter to representatives of state, federal, or foreign:

(1) financial institution; or

(2) money services business; supervisory agencies.

SECTION 3. IC 28-7-5-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 40. (a) A pawnbroker immediately shall return an item to an individual who alleges that the item was stolen from the individual if the individual:**

(1) presents the pawnbroker with a police report demonstrating that the item has been stolen;

(2) presents the pawnbroker with a receipt that specifically identifies the stolen item by serial number; and

(3) agrees to prosecute and appear as a witness against the person who sold or pledged the stolen item.

(b) If a pawnbroker returns an item to an individual under subsection (a), the pawnbroker shall allow the individual to inspect and copy the bill of sale (as described in section 16(b) of this chapter) signed by the seller of the stolen item.

(c) If a pawnbroker returns a stolen item to an individual under subsection (a), the pawnbroker may bring a cause of action in any court with jurisdiction against the person who sold or pledged the stolen item. If the pawnbroker prevails, the pawnbroker is entitled to reasonable attorney's fees in addition to damages, including the amount paid for the stolen item and any interest that has accrued.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 576, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 14, delete "presents the pawnbroker with:" and insert ":",

Page 2, line 15, after "(1)" insert "**presents the pawnbroker with**".

Page 2, line 16, delete "and".

Page 2, line 17, after "(2)" insert "**presents the pawnbroker with**".

Page 2, line 17, after "that" insert "**specifically**".

Page 2, line 17, delete "." and insert "**by serial number; and**

(3) agrees to prosecute and appear as a witness against the person who sold or pledged the stolen item.".

and when so amended that said bill do pass.

(Reference is to SB 576 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 4.

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